

1 FARLEY J. NEUMAN, ESQUIRE - State Bar #100021
2 TOM PROUNTZOS, ESQUIRE - State Bar #209409
3 JENKINS GOODMAN NEUMAN & HAMILTON LLP
4 417 Montgomery Street, 10th Floor
5 San Francisco, California 94104
6 Telephone: (415) 705-0400
7 Facsimile: (415) 705-0411

5 | Attorneys for ROBERT J. NAGY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1 | UNITED STATES OF AMERICA,

Plaintiff,

3 | VS.

4 | CHARLES CATHCART, et al.,

Defendants.

Case No. C-07-4762-PJH

[PROPOSED] ORDER GRANTING
DEFENDANT ROBERT J. NAGY'S
MOTION TO STAY THE
PROCEEDINGS OR IN THE
ALTERNATIVE TO SEVER ALL
CLAIMS AND TRANSFER VENUE
PURSUANT TO 28 U.S.C. 1404(a)

Date: September 10, 2008

Time: 9:00 a.m.

Dept.: Room 3, 17th Floor

Trial: March 23, 2009

Defendant ROBERT J. NAGY'S Motion to Stay the Proceedings or in the Alternative to Sever All Claims and Transfer Venue Pursuant to 28 U.S.C. 1404(a) came before the Court for hearing on September 10, 2008. Having read the parties' papers, heard the parties' arguments, and carefully considered the relevant legal authority, the Court hereby GRANTS the Motion for reasons summarized as follows:

The Court finds that it is necessary to grant this Motion to preserve Mr. Nagy's

1 Seventh Amendment right to a jury trial on the issue of whether his alleged conduct
 2 violated 26 U.S.C. 6700.

3 Accordingly, the Motion is GRANTED and these proceedings are stayed until the
 4 issue of whether Mr. Nagy's alleged conduct violates 26 U.S.C. 6700 has been tried in
 5 Case No. 2:08-cv-02555-MBS in the District of South Carolina, Charleston Division, or
 6 until such time as said Case is disposed of prior to trial.

7 [OR]

8 The Court finds that it is necessary to grant this Motion to preserve Mr. Nagy's
 9 Seventh Amendment right to a jury trial on the issue of whether his alleged conduct
 10 violated 26 U.S.C. 6700. The Court further finds that transfer of all claims against Mr.
 11 Nagy to the District of South Carolina, Charleston Division, will serve the convenience of
 12 the parties and be in the interests of justice. The District of South Carolina, Charleston
 13 Division, is a district where the case against Mr. Nagy might have been brought because a
 14 substantial part of the events giving rise to this matter occurred there. Finally, the Court
 15 also finds that use of its discretion under Federal Rule of Civil Procedure 21 to sever all
 16 claims against Mr. Nagy is appropriate under the present circumstances.

17 According, the Motion is GRANTED and all claims against Mr. Nagy are hereby
 18 severed pursuant to Federal Rule of Civil Procedure 21 and transferred to the District of
 19 South Carolina, Charleston Division, pursuant to 28 U.S.C. 1404(a).

20 **IT IS SO ORDERED.**

21 Dated: _____

Hon. Phyllis J. Hamilton
 United States District Judge